

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Andre Patterson
5763 Pemberton Street

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Edward F. Chacker, Esquire
1731 Spring Garden Street

DEFENDANTS

City of Philadelphia
1515 Arch Street

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Mark V. Maguire
1515 Arch Street, 14th Floor

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgement

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983

Brief description of cause:

Plaintiff alleges federal civil rights violation under 42 U.S.C. section 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Andre Patterson, 5763 Pemberton Street, Philadelphia, PA 19143

Address of Defendant: City of Philadelphia Law Department, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?
RELATED CASE IF ANY:

Yes ☐ No ☒

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

- Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
- Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
- Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

- ☐ Indemnity Contract, Marine Contract, and All
- ☐ FELA
- ☐ Jones Act – Personal Injury
- ☐ Antitrust
- ☐ Patent
- ☐ Labor-Management Relations
- ☒ Civil Rights
- ☐ Habeas Corpus
- ☐ Securities Act(s) Cases
- ☐ Social Security Review Cases
- ☐ All Other Federal Questions Cases (Please specify)

B. Diversity Jurisdiction Cases:

- Other Contracts
- ☐ Insurance Contract and Other Contracts
 - ☐ Airplane Personal Injury
 - ☐ Assault, Defamation
 - ☐ Marine Personal Injury
 - ☐ Motor Vehicle personal Injury
 - ☐ Other Personal Injury (Please specify)
 - ☐ Products Liability
 - ☐ Products liability - Asbestos
 - ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Mark V. Maguire, counsel of record do hereby certify:

- ☐ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: 7/13/16

Mark V. Maguire, Esquire
Attorney-at-Law

94242
Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

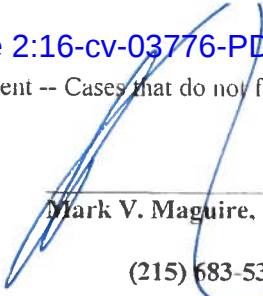
DATE: _____

Mark V. Maguire, Esquire
Attorney-at-Law

94242
Attorney I.D. #

(f) Standard Management -- Cases that do not fall into any one of the other tracks.

(X)

<u>7/12/16</u> Date	 Mark V. Maguire, Esq.	<u>Defendants</u> Attorney for
<u>(215) 683-5439</u> Telephone	<u>(215) 683-5397</u> FAX Number	<u>mark.maguire@phila.gov</u> E-mail Address

(Civ. 660) 10/02

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE PATTERSON	:	COURT OF COMMON PLEAS
5763 Pemberton Street	:	PHILADELPHIA COUNTY
Philadelphia, PA 19143	:	
Plaintiff,	:	
v.	:	June Term, 2016
CITY OF PHILADELLPHIA	:	
c/o Law Department	:	
1515 Arch Street, 14 th Floor	:	
Philadelphia, PA 19102	:	
and	:	
PHILADELPHIA POLICE	:	No.: 93187
OFFICER DAVID CHISHOLM	:	
(Badge No.: 1739)	:	
Individually and as a Police Officer	:	
for the City of Philadelphia	:	
c/o Law Department	:	
1515 Arch Street, 14 th Floor	:	
Philadelphia, PA 19102	:	
and	:	
JOHN DOE POLICE OFFICERS I-V	:	
Defendants.	:	

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

Pursuant to 28 U.S.C. § 1441, defendants, Police Officer David Chisholm, John Doe Police Officers I-V and the City of Philadelphia, (hereinafter “petitioners”) through their counsel, Mark Maguire Divisional Deputy City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In June, 2016, plaintiff initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, June Term, 2016; No. 93187. (Exhibit A - Complaint).
2. On June 14, 2016 said Complaint was served on Petitioners at 1515 Arch Street, 14th

Floor, Philadelphia, Pennsylvania.

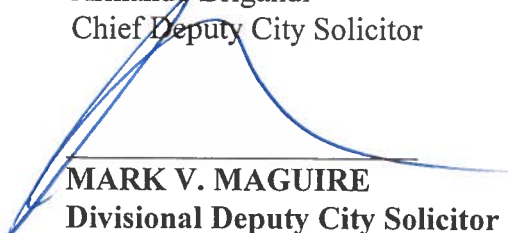
3. Plaintiffs allege that on or about June 22, 2014 he sustained damages when his civil rights were violated by the defendants. (Exhibit A).

4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

Wherefore, petitioners, Police Officer David Chisholm, John Doe Police Officers I-V and City of Philadelphia, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Armando Brigandi
Chief Deputy City Solicitor



MARK V. MAGUIRE
Divisional Deputy City Solicitor
Attorney I.D. No. 94242
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5439

Date: 7/12/16

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE PATTERSON	:	COURT OF COMMON PLEAS
5763 Pemberton Street	:	PHILADELPHIA COUNTY
Philadelphia, PA 19143	:	
Plaintiff,	:	
v.	:	June Term, 2016
CITY OF PHILADELLPHIA	:	
c/o Law Department	:	
1515 Arch Street, 14 th Floor	:	
Philadelphia, PA 19102	:	
and	:	
PHILADELPHIA POLICE	:	No.: 93187
OFFICER DAVID CHISHOLM	:	
(Badge No.: 1739)	:	
Individually and as a Police Officer	:	
for the City of Philadelphia	:	
c/o Law Department	:	
1515 Arch Street, 14 th Floor	:	
Philadelphia, PA 19102	:	
and	:	
JOHN DOE POLICE OFFICERS I-V	:	
Defendants.	:	

NOTICE OF FILING OF REMOVAL

TO: Edward F. Chacker, Esquire
GAY CHACKER & MITTIN, PC
1731 Spring Garden Street
Philadelphia, PA 19130

PLEASE TAKE NOTICE THAT on June 14, 2016, defendants, Police Officer David Chisholm, John Doe Police Officers I-V and City of Philadelphia filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).



MARK V. MAGUIRE

Divisional Deputy City Solicitor

Attorney I.D. No. 94242

City of Philadelphia Law Department

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

215-683-5439

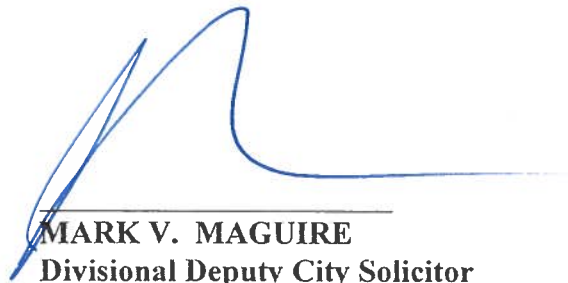
IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE PATTERSON	:	COURT OF COMMON PLEAS
5763 Pemberton Street	:	PHILADELPHIA COUNTY
Philadelphia, PA 19143	:	
Plaintiff,	:	
v.	:	June Term, 2016
CITY OF PHILADELLPHIA	:	
c/o Law Department	:	
1515 Arch Street, 14 th Floor	:	
Philadelphia, PA 19102	:	
and	:	
PHILADELPHIA POLICE	:	No.: 93187
OFFICER DAVID CHISHOLM	:	
(Badge No.: 1739)	:	
Individually and as a Police Officer	:	
for the City of Philadelphia	:	
c/o Law Department	:	
1515 Arch Street, 14 th Floor	:	
Philadelphia, PA 19102	:	
and	:	
JOHN DOE POLICE OFFICERS I-V	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Mark V. Maguire, Divisional Deputy City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Edward F. Chacker, Esquire
GAY CHACKER & MITTIN, PC
1731 Spring Garden Street
Philadelphia, PA 19130



MARK V. MAGUIRE

Divisional Deputy City Solicitor

Attorney ID No. 94242

City of Philadelphia Law Department

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

215-683-5439

Date: 7/12/16

Exhibit “A”

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

JUNE 2016**001229**

E-Filed Number: 1606032487

PLAINTIFF'S NAME ANDRE PATTERSON		DEFENDANT'S NAME CITY OF PHILADELPHIA	
PLAINTIFF'S ADDRESS 5763 PEMBERTON STREET PHILADELPHIA PA 19143		DEFENDANT'S ADDRESS 1515 ARCH STREET, 14TH FLOOR PHILADELPHIA PA 19102	
PLAINTIFF'S NAME		DEFENDANT'S NAME DAVID CHISHOLM	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1515 ARCH STREET, 14TH FLOOR PHILADELPHIA PA 19102	
PLAINTIFF'S NAME		DEFENDANT'S NAME JOHN DOE POLICE OFFICERS I-V	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1515 ARCH STREET, 14TH FLOOR PHILADELPHIA PA 19102	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2B - ASSAULT, BATTERY			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY JUN 14 2016 C. FORTE	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ANDRE PATTERSON</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY EDWARD F. CHACKER		ADDRESS 1731 SPRING GARDEN STREET PHILADELPHIA PA 19130	
PHONE NUMBER (215) 567-7955	FAX NUMBER (215) 567-6809		
SUPREME COURT IDENTIFICATION NO. 17158		E-MAIL ADDRESS shafia@gaychackermittin.net	
SIGNATURE OF FILING ATTORNEY OR PARTY EDWARD CHACKER		DATE SUBMITTED Tuesday, June 14, 2016, 12:55 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY
 JUNE TERM, 2016
 No.

Case ID: 160601229

GAY CHACKER & MITTIN, PC
BY: EDWARD F. CHACKER, ESQUIRE

Identification No: 17158
 1731 Spring Garden Street
 Philadelphia, PA 19130
 (215) 567-7955

ATTORNEY FOR PLAINTIFF
 Arbitration – Assessment of
 Damages Hearing Required

ANDRE PATTERSON
 5763 Pemberton Street
 Philadelphia, PA 19143
 Plaintiff,

v.

CITY OF PHILADELPHIA
 c/o Law Department
 1515 Arch Street, 14th Floor
 Philadelphia, PA 19102

and

PHILADELPHIA POLICE
 OFFICER DAVID CHISHOLM
 (Badge No.: 1739)

Individually and as a Police Officer
 for the City of Philadelphia
 c/o Law Department
 1515 Arch Street, 14th Floor
 Philadelphia, PA 19102

and

JOHN DOE POLICE OFFICERS I-V
 Defendants.

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

June Term, 2016

No.

COMPLAINT

Plaintiff, Andre Patterson (“Mr. Patterson”), by and through his attorneys, Gay Chacker & Mittin, P.C., hereby asserts the following Complaint against defendants, the City of Philadelphia (“the City”), Philadelphia Police Officer David Chisholm (Badge No.: 1739) (“defendant Chisholm”), and John Doe Police Officers I-V (“defendant John Doe officers”) (collectively “defendants”).

Parties

1. Plaintiff, Andre Patterson, is and was at all material times an adult individual who resides

at the above referenced address.

2. Defendant, City of Philadelphia, is a Municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the City of Philadelphia Police Department, which employed defendant police officers.

3. Defendant, Police David Chisholm was at all times relevant to this action a police officer of the City of Philadelphia Police Department. He is being sued in his individual capacity as a police officer for the City of Philadelphia.

4. Defendants, John Doe Officers I-V were at all times relevant to these action officers of the City of Philadelphia Police Department. They are being sued in their individual capacities as police officers for the City of Philadelphia.

Facts

5. On or about June 22, 2014, at approximately 1:32 a.m. Mr. Patterson was walking home along the 4800 block of Walnut Street, Philadelphia, PA from a friend's house.

6. Mr. Patterson was walking alone when two officers pulled up and told him to stop.

7. Mr. Patterson immediately asked the officers "what's going on", "I didn't do anything".

8. Mr. Patterson was immediately placed in cuffs by a defendant John Doe officer.

Defendant, John Doe officer only placed one wrist of Mr. Patterson in cuffs.

9. Mr. Patterson was then grabbed by defendant Chisholm who assisted by placing the other cuff onto Mr. Patterson.

10. Defendant Chisholm pushed Mr. Patterson on a gate, slammed him to the ground, kicked and stuck with a taser.

11. After being handcuffed and thrown on the ground, Mr. Patterson repeatedly asked "what's going on".

12. Neither defendant Chisholm or defendant, John Doe officers read Mr. Patterson his rights or told him what he was being stopped for.

13. At no time did Mr. Patterson cause or present any danger to any police officer or anyone present at the scene.

14. As Mr. Patterson lay on the ground additional officers approached the scene. During the course of the assault, none of the defendant officers made any attempt to prevent or interrupt the assault, or to protect Mr. Patterson from violations of his rights by assaulting officers despite having the opportunity to do so.

15. Mr. Patterson sustained numerous bruises, cuts, abrasions and various injuries throughout his entire body and had to seek medical attention for which he treated for approximately a year.

16. As a direct and proximate result of defendants' unlawful actions, Mr. Patterson suffered contusions of the elbows; abrasions of hips; abrasion of legs; periligamentous edema of the anterior cruciate ligament; strain/sprain of the meniscus without tear, among other injuries.

17. Subsequent to his unlawful assault, and despite having done nothing wrong, Mr. Patterson was charged with public urination, public drunkenness and disorderly conduct.

18. Mr. Patterson was released after receiving citations for public drunkenness, public urination and disorderly conduct.

19. Importantly, at no time did Mr. Patterson violate any law, or pose any threat to anyone, including defendant police officers, or resist the officers in any manner.

20. Indeed, Mr. Patterson complied with every illegal order and action taken by defendant police officers.

21. Subsequent to the unlawful arrest of Mr. Patterson, defendant officers prepared and caused to be prepared police paperwork intentionally misrepresenting the events that led to the arrest of

Mr. Patterson. These misrepresentations were intentional, malicious, in bad faith, deliberately indifferent, and recklessly indifferent to Mr. Patterson's rights.

22. At no time during the incident described in this complaint did Mr. Patterson violate the laws of Pennsylvania or any other jurisdiction as described in the bogus paperwork prepared by defendant Chisholm.

23. As a direct and proximate result of the defendants' actions, Mr. Patterson was deprived of rights, privileges and immunities under the Fourth Amendments to the United States Constitution and in particular the right to be free from excessive force.

24. As a direct and proximate result of defendants' actions, Mr. Patterson continues to suffer from, *inter alia*, anxiety, fear, and mental harm.

25. The actions and/or inactions of the defendants violated the clearly established federal constitutional rights of Mr. Patterson to freedom from excessive force, freedom from malicious prosecution, the right to be free from false arrest and false imprisonment, and the right to due process of law.

COUNT ONE

Assault and Battery

Plaintiff v. Defendant, Police Officer David Chisholm and Defendant, John Doe Police Officers I-V

26. Plaintiff hereby incorporates the allegations contained in paragraphs 1 through 26, inclusive, of his Complaint as if the same were set forth at length herein.

27. On or about June 22, 2014, defendant Chisholm and defendant, John Doe Police Officers I-V did knowingly, intentionally, negligently, maliciously and/or recklessly commit an assault and battery upon the plaintiff.

28. As a result of the defendant's conduct, plaintiff suffered physical injuries, pain and

suffering, emotional distress and/or financial losses.

29. The actions and conduct of the defendants exceeded the normal standards of decent conduct and were willful, malicious, oppressive, outrageous, unjustifiable and therefore, compensatory and punitive damages are necessary and appropriate.

WHEREFORE, plaintiff, Andre Patterson, demands judgment in his favor and against defendants, Philadelphia Police Officer David Chisholm and defendant John Doe Police Officers, I-V jointly and severally with the other defendant herein named in an amount not in excess of Fifty Thousand (\$50,000) Dollars, plus costs, interest and such other and further relief as appears reasonable and just.

COUNT TWO
Outrageous Conduct Causing Severe Emotional Distress
Plaintiff v. Defendant, City of Philadelphia

30. Plaintiff hereby incorporates the allegations contained in paragraphs 1 through 29, inclusive, of his Complaint as if the same were set forth at length herein.

31. At the aforesaid time and place defendant officers, were the agents, servants, workers and/or employees acting within the scope of authority of their employment with City of Philadelphia.

32. Defendant Police officers assaulted and battered Mr. Patterson.

33. Andre avers that defendant, City of Philadelphia is liable for the negligent acts of its agent, servant, worker and/or employees, as set forth above and herein under the doctrine of Respondeat Superior.

34. The acts and omissions of defendant, City of Philadelphia as alleged in the preceding paragraphs constitute the tort of Outrageous Conduct Causing Severe Emotional Distress, all to the plaintiff's great detriment and loss.

35. As a result of the above actions, Mr. Patterson suffered the damages as aforesaid.

WHEREFORE, plaintiff, Andre Patterson, demands judgment in his favor and against defendant, City of Philadelphia jointly and severally with the other defendants herein named in an amount not in excess of Fifty Thousand (\$50,000) Dollars, plus costs, interest and such other and further relief as appears reasonable and just.

COUNT THREE
Plaintiff v. Defendant City of Philadelphia

36. Plaintiff hereby incorporates the allegations contained in paragraphs 1 through 35, inclusive, of his Complaint as if the same were set forth at length herein.

37. Prior to January 2, 2014, the City of Philadelphia developed and maintained policies and/or customs exhibiting deliberate indifference to the constitutional rights of persons, which caused the violation of Mr. Patterson's rights.

38. It was the policy and/or custom of the City of Philadelphia to cover-up and to avoid detection of acts of police abuse or improper use of authority by charging victims of police abuse with criminal offenses thereby attempting to prevent the victim's access to the courts and to due process.

39. It was the policy and/or custom of the City of Philadelphia to inadequately supervise and train their police officers, including defendant police officers, thereby failing to adequately discourage further constitutional violations on the part of their police officers. The City of Philadelphia did not require appropriate in-service training or re-training of officers who were known to have engaged in police misconduct.

40. It was the policy and/or custom of the City of Philadelphia to inadequately supervise and train their police officers, including defendant police officers, against a code of silence or "blue code" of officers refusing to intervene against or provide truthful information against constitutional violations and misconduct committed by their fellow officers.

41. It is believed and therefore averred that the City of Philadelphia and their Police Department adopted and maintained for many years a recognized and accepted policy, custom and practice of systematically subjecting individuals to the same type of treatment to which Mr. Hill was subjected, which constitutes the use of excessive force and violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the laws of the United States and is in violation of 42 U.S.C. Section 1983. It is believed and therefore averred that the City of Philadelphia and their Police Department adopted and maintained for many years a recognized policy, custom and practice, which allows for falsely arresting, falsely imprisoning and maliciously prosecuting suspects by police officers, the same type of treatment to which Mr. Hill was subjected, and which violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the laws of the United States and is in violation of 42 U.S.C. Section 1983.

42. As a result of the above described policies and customs, police officers of the City of Philadelphia, including defendant police officers, and the City of Philadelphia believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated and condoned.

43. As a result of the above actions, Mr. Patterson suffered the damages as aforesaid.

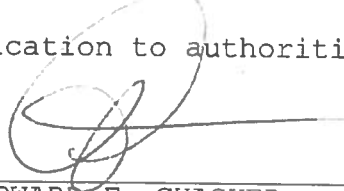
WHEREFORE, plaintiff, Andre Patterson, demands judgment in his favor and against defendant, the City of Philadelphia jointly and severally with the other defendants herein named in an amount not in excess of Fifty Thousand (\$50,000) Dollars, plus costs, interest and such other and further relief as appears reasonable and just.



EDWARD F. CHACKER, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, EDWARD F. CHACKER, ESQUIRE, of GAY, CHACKER & MITTIN, P.C. hereby certify that the statements contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.



EDWARD F. CHACKER